

MOSER LAW FIRM, PC



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VIA ECF

Joan M. Azrack, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza
Courtroom 920
Central Islip, NY 11722

RE: *Hector Jose v. Stoler of Westbury, Inc.*, 19-cv-07197-JMA-SIL

Dear Judge Azrack:

I represent the Plaintiff in the above captioned matter. I write to apologize to the Court for not promptly responding to the orders directing Plaintiff to file a response to the Defendant's pre-motion letter and ask the Court vacate the order dismissing the case for failure to prosecute.

On Tuesday, March 17, 2020 our nanny appeared ill and was sent home. She later tested positive for Covid 19. She has not returned to work.

Because of the nanny's absence, the Office Administrator, Josianne Moser, has been unable to work since March 16, 2020.

On Wednesday, March 18, 2020 the administrative assistant was also immediately sent home when she informed me that she had been exposed to Covid-19 at her part time job for a nursing home, where one of the residents had allegedly died due to the illness. She has not returned to work due to the stay at home order.

The last employee of the firm, when learning of the exposure, also immediately left work on March 18, 2020 and has not returned.

My entire family later tested positive for Covid-19 and began experiencing symptoms of the illness at various times. I was sick for several weeks and spent one night at the hospital due to respiratory distress.

Thankfully, all members of the household have recovered. However, since March 17, 2020 the legal practice has been eclipsed by the health concerns of my family, and frustrated by the sudden loss of all employees.

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I began working again recently and have been unable to catch up on the work.

In light of the foregoing, I respectfully request that the judgment dismissing the above referenced matter with prejudice for failure to prosecute be vacated, and that Plaintiff be given one final opportunity to respond to the Defendants' pre-motion letter.

I have spoken with counsel for the Defendants, who has consented to the request to vacate.

Respectfully submitted,

/s/

Steven J. Moser